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LETTER DATED 3 JANUARY 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to resolution 1012 (1995), in which the Security Council requested me to submit, within three months of the establishment of the Commission of Inquiry in Burundi, an interim report to the Council on the work of the Commission.

Following six weeks of work in the field and extensive consultations at United Nations Headquarters in New York, the Commission submitted a preliminary report to me on 20 December 1995. This report focused on three areas: (a) the nature and the scope of the Commission's mandate; (b) the difficulties that the Commission has faced; and (c) its activities to date.

In view of its structure and technical character, I have decided to present a summary of the report to the Security Council, as follows:

(a) The Commission of Inquiry arrived in Bujumbura on 29 October 1995 and immediately started work, assisted by its support staff and the Office of my Special Representative for Burundi. Courtesy visits were paid to government officials and institutions and meetings were held with representatives of many sectors of public life in Burundi, including political parties, non-governmental organizations and the religious community. The Commission also met diplomatic representatives accredited to Burundi. In order not to compromise their security, the report does not provide names of witnesses or others who provided information to the Commission.

(b) The Commission has received many requests for deposition of testimony by individuals and groups; lists of potential witnesses were also established. A number of relevant documents were received and filed for later verification. The Commission has started its investigation into the assassination of former President Melchior Ndadaye in October 1993. Two visits were made to the countryside during which members of the Commission interviewed prisoners held in connection with crimes related to the subsequent massacres. The Commission has also initiated a study of the judicial system.

(c) The Commission identified four major problems in the implementation of its mandate. The first is the period of time that has elapsed since the events under investigation. Perpetrators of crimes, witnesses and victims may have become refugees, displaced persons or died. Evidence may have been lost, suppressed or altered, while some evidence previously gathered may not conform with generally accepted judicial standards.

(d) Secondly, the ethnic polarization in the country is intensifying under the influence of extremists. In such circumstances of widespread hatred and fear, the Commission finds it difficult to obtain truthful, objective and reliable testimony.

(e) The general deterioration of the security situation in Burundi is the third problem and the one that poses the greatest obstacle to the work of the Commission. The Commission believes that the United Nations security personnel currently provided for its protection are inadequate. Moreover, it feels that reliance on the Burundese security forces for protection is likely to impede the Commission's access to testimony and also compromise its credibility as an impartial international body.

(f) Finally, the Commission expresses serious concern about the inadequacy of the resources provided to it. In its view, the mandate entrusted to it necessitates additional staff to gather required evidence and undertake investigative work. Trained investigators, support staff and material resources are needed to enable it to accomplish its mandate within a reasonable period of time.

The Commission intends to initiate, as resources and the security situation allow, a detailed and systematic investigation of the crimes that are included within its mandate. Members of the Commission also envisage travelling abroad, if necessary, to obtain testimony from witnesses. The Commission will continue to study the system of administration of justice in Burundi with a view to making pertinent recommendations. I will ensure that the Security Council is kept informed of the progress achieved.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI